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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,524	09/20/2000	Neil J. Goldfine	1884.1020-006	6927

7590

03/06/2002

James M Smith Esq  
Hamilton Brook Smith & Reynolds PC  
Two Militia Drive  
Lexington, MA 02421-4799

EXAMINER

SNOW, WALTER E

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09 1666524

Applicant(s)

Examiner

W. S. New

Group Art Unit

2862

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-144 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-144 are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2862

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-33, 65-91, 101 and 105, drawn to a test circuit having a primary winding with parallel extending portion of at least two spatial wavelengths, classified in class 324, subclass 232.
  - II. Claim 34, drawn to an apparatus with a primary winding and one or more sense windings located in a separate plane from the primary winding, classified in class 324, subclass 243.
2. III. Claims 35-63 and 92-100, drawn to a test circuit with a meandering primary winding and a sense element, classified in class 324, subclass 239.
3. IV. Claim 64, drawn to a test apparatus having concentric circular winding and sense winding, classified in class 324, subclass 243.
4. V. Claims 102-104, drawn to a method of creating a magnetic field, classified in class 324, subclass 228.
5. VI. Claims 106-121, drawn to a method of monitoring damage at a fastener, classified in class 324, subclass 240.
6. VII. Claims 122-125, drawn to a method of estimating material properties, classified in class 702, subclass 38.
7. VIII. Claims 126-144, drawn to a method of fabricating a damage standard, classified in class 29, subclass 592.1.
8. The inventions are distinct, each from the other because:

Application/Control Number: 09/666,524

Art Unit: 2862

9. Inventions I-IV and V-VIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case each of the methods claimed can be practiced by any one of the apparatus claimed.
10. The inventions I-VIII each embody separate inventive concepts capable of supporting separate patents.
11. Because the inventions are distinct for the reasons above and the complete search for each invention is different restriction for examination, purposes as indicated is proper.
12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Application/Control Number: 09/666,524

Page 4

Art Unit: 2862

14. Any inquiry concerning this communication should be directed to Walter Snow at telephone number (703) 305-4911.

Snow/nt

2-21-02

  
WALTER E. SNOW  
PRIMARY EXAMINER